



LEXINGTON POLICE DEPARTMENT

150 East Main Street • Lexington, KY 40507 • (859) 258-3600

September 10, 2021

Mr. George Cummins Sr.

RE: Formal Complaint PIU2021F-017 - Officer Brandon Holbrook

Dear Mr. Cummins,

The Public Integrity Unit completed the investigation of your Formal Complaint against Officer Brandon Holbrook for violation of General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 -Violating Any Rules of the Department and General Order 2000-02D - Unbiased Policing.

After reviewing the investigative summary and the body worn camera video, Chief Lawrence Weathers determined the disposition of the complaint as "Unfounded". Chief Weathers has recommended that no further action be taken with regard to this complaint.

Formal Complaint PIU2021F-017 regarding Officer Brandon Holbrook is closed.

Please feel free to contact the Public Integrity Unit if you have any questions regarding this determination.

Sincerely,

Lieutenant David Biroshik
Bureau of Investigation
Public Integrity Unit
(859) 258-3625



Lexington-Fayette Urban County
Division of Police
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
September 10, 2021

EFFECTIVE DATE

NUMBER
COP:
21-0161

TO:
Kenneth Armstrong, Commissioner
Department of Public Safety


SUBJECT:
Disciplinary Recommendation
PIU2021F-017
Officer Brandon Holbrook

FROM:
Lawrence B. Weathers
Chief of Police

I met with Officer Brandon Holbrook on September 9, 2021, and am recommending this case be administratively closed as "Unfounded" due to insufficient evidence for violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 – Violating Any Rules of the Department, General Order 2000-02D – Unbiased Policing.

I find that there does not appear to be sufficient evidence produced to sustain this complaint. Body Worn Camera and Public Integrity Unit synopsis was reviewed.

I have included the summary of this formal complaint for your review.

Lawrence B. Weathers


Lawrence B. Weathers
Chief of Police

LBW/rmh

Attachment



LEXINGTON POLICE
DEPARTMENT
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
August 26, 2021

EFFECTIVE DATE

NUMBER
PIU 21-096

TO:
Lawrence Weathers
Chief of Police

SUBJECT:
Formal P.I.U.21.F.017
Officer Brandon Holbrook
Summary

FROM:
Lieutenant David Biroshik
Bureau of Investigation
Public Integrity Unit

This memorandum will provide a synopsis of the investigation; however, other supporting documents may be viewed in conjunction with this memorandum.

On August 9, 2021 Mr. George Cummins Sr. filed a formal complaint against Officer Brandon Holbrook 55452 for violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers Appendix B, Operational Rule 1.35 – Violating Any Rules of the Department: G.O 2000-02D Unbiased Policing, which states: “Biased policing is prohibited both in enforcement of the law and the delivery of police services”.

Mr. Cummins states on July 30th at approximately 23:00 hours Officer Holbrook conducted a traffic stop on his vehicle, while he was driving with an expired registration plate. During the stop he alleges Officer Holbrook improperly shined his flashlight throughout his vehicle looking for “drugs”. Mr. Cummings received a Warning for the stop, based upon the fact he had already been cited for the violation. He also believes there was no cause for the stop and feels it was racial profiling on Officer Holbrook’s part.

Investigation

Upon receiving the Formal Complaint from Mr. Cummings I viewed the BWC Footage for Officer Holbrook. Officer Holbrook did start his BWC on time and it did capture the entire incident.

The contact with Mr. Cummings began when Officer Holbrook approached the driver’s side window, where he advised Mr. Cummins he was pulling him over, due to the tags on his vehicle being expired. Mr. Cummins told Officer Holbrook he knew they were expired and he had already been pulled over for the same offense.

As a normal course of investigation while on a traffic stop, Officer Holbrook did shine his flashlight one time into the back seat of Mr. Cummin’s vehicle. This was to determine if anyone was in the back seat, or if any contraband or weapons could be seen in plain view. After obtaining all of the pertinent information, Officer Holbrook went back to his cruiser to confirm the information provided by Mr. Cummins. During this time, Officer Anderson stood by Mr. Cummins’ vehicle providing back up while Officer Holbrook confirmed the information and typed up a Warning Notice Form.

After confirming all of the information, Officer Holbrook returned to the vehicle and provided Mr. Cummins his information back, advising him he did see where he was previously pulled over for the same violation. Officer Holbrook made the decision to issue a warning notice to Mr. Cummins rather than issuing him a citation.

George Cummins Interview

Mr. Cummins was interviewed at headquarters on August 9, 2021 by Commander Bacon and myself. During this interview, Mr. Cummins stated he had been pulled over strictly based on his race and the type of car he was driving.

He does admit during the interview that his plate had been expired for several months and he had been pulled over in the past for the same violation. He does acknowledge that officers have the legal authority to pull someone over that has an expired registration plate, but he felt that Officer Holbrook had only done so because he was looking for drugs. He also felt that shining his flashlight into the back seat constituted an illegal search.

When pressed to explain why he believed he was racially profiled, Mr. Cummins stated he "knew" he was. He did not believe that Officer Holbrook could see the expiration on his license plate based upon the distance he was from the car. He also stated he has a tinted license plate holder on his car, which would make it even more difficult to see.

Mr. Cummins was also under the belief that when officers run a registration plate through their MDC it would automatically show all the times they had been pulled over. When we explained to him this was not the case, his response was that we needed to upgrade our software to where it would. He also believed with all of the violent acts occurring downtown Officer Holbrook should have been doing something to take care of those issues and not pulling him over.

Officer Holbrook's Interview

Officer Holbrook was interviewed in the Public Integrity Unit on August 18, 2021 at approximately 2200. During this interview he advised on July 30th he was placed on special assignment to conduct traffic enforcement in the area of Main Street / Short Street. During this time he would drive in continuous loops around Main and Short looking for traffic violations. While driving this loop he would run all of the vehicle tags he observed or came into contact with through his MDC. It was during this time that he ran Mr. Cummins' license plate and observed it was expired.

Due to the violation of an expired tag Officer Holbrook made a decision to pull Mr. Cummins over on Main Street just prior to Upper Street. During the initial exchange with Mr. Cummins Officer Holbrook stated he did shine his light into the backseat to see if anyone was back there and if any contraband was in plain sight. He advised he only did it once and never prolonged the illumination to conduct any type of search.

After confirming all of Mr. Cummins' information, Officer Holbrook decided to issue a Warning Notice, instead of a second citation for the same violation. He completed the form and advised Mr. Cummins he was just giving him a warning, although he did not provide a copy of the Warning Notice to him.

Conclusion

Mr. Cummins believes he was racially profiled by Officer Holbrook, even though he admits his tag is expired by several months. Mr. Cummins belief is based upon his feelings and not by any of the evidence uncovered investigating the incident.

Officer Holbrook was on a Traffic Special Assignment the night in question and was actively looking for violations throughout the shift. He made between 4-5 stops that evening and only issued 1 warning notice, which was to Mr. Cummins. During the stop he shined his flashlight into the backseat one time, which is reasonable for an officer to do for his safety and everyone else involved. He was professional throughout the stop and provided his name and employee number when requested by Mr. Cummins. When he confirmed through Dispatch that Mr. Cummins had been previously cited, he decided to issue a Warning Notice, instead of citing him again.

The one thing of note that Officer Holbrook should be reminded of is regarding the issuance of Warning Notices. General Order 1992-021 Sec. IV – 5F states when completing and traffic stop “Issue the appropriate warning or citation and let the violator know that the traffic stop is over.” Officer Holbrook did complete a Warning Notice at the time of the stop, but he did not provide a copy to Mr. Cummins. During his interview Officer Holbrook advised that is how he has always issued warnings by filling out the form, and telling the offender they are free to go with a verbal warning.

Mr. Cummins’ Formal Complaint is that Officer Holbrook has violated General Order 1973-02K Disciplinary Procedures of Sworn Officer, Appendix B, Operational Rule 1.35, Violating Any Rules of the Department: G.O. 2000-02D Unbiased Policing. After completing the investigation into this allegation I find no evidence or facts to substantiate the claim. I would recommend this complaint be unfounded.



Lexington Police Department
MEMORANDUM
 Lexington, Kentucky

DATE OF ISSUE
 August 9, 2021

EFFECTIVE DATE
 August 9, 2021

NUMBER
 PIU: 21-082

TO: Assistant Chief Brian Maynard Bureau of Patrol	SUBJECT: <p style="text-align: center;">FORMAL COMPLAINT</p>
FROM: Lieutenant Matthew Brotherton Bureau of Investigation Public Integrity Unit	

COMPLAINANT: Mr. George Cummings Sr.

ACCUSED OFC.: Officer Brandon Holbrook

ALLEGATION: Violated General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35, Violating Any Rules of the Department: G. O. 2000-02D Unbiased Policing.

ALLEGED CIRCUMSTANCES: On July 30th, 2021 at approximately 23:00, Officer Holbrook conducted a traffic stop on a vehicle being driven by Mr. George Cummins Sr. Officer Holbrook stopped the vehicle on Main Street at Limestone. The vehicle had an expired registration plate. Officer Holbrook issued a warning notice to Mr. Cummins Sr. for the expired registration plate. Officer Anderson arrived on the traffic stop and stayed with Mr. Cummins while Officer Holbrook was completing the paperwork.

Mr. Cummins believes that Officer Holbrook and Officer Anderson conducted the stop due solely to Mr. Cummins' race. According to Mr. Cummins, Officer Holbrook improperly used his flashlight to illuminate the interior of Mr. Cummins' vehicle for the purposes of attempting to locate narcotics.

ACTION REQUESTED:

- The Bureau Commander and Officer Holbrook should sign the Acknowledgment Sheet and process this complaint.
- The Commanding Officer should provide the attached copy of the Form 111 and the Officer's Rights Packet to Officer Holbrook.
- Officer Holbrook should contact the Public Integrity Unit to arrange for a time to provide a formal statement.

DATE

TIME

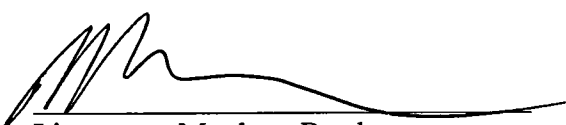
Bureau Commander C. Scavino 43984 8-13-21 0743

Supervisor Lt. Jeff Jackson 41912 8/13/21 0310

Officer [Signature] 8-13-21 0316

Accused officer would like the Public Integrity Unit to notify the FOP President or their designee that a formal complaint is filed against them. (Circle One) YES or NO

Returned to the Public Integrity Unit D. Busch 33732



Lieutenant Matthew Brotherton
Bureau of Investigation
Public Integrity Unit

mrj

enclosures

cc: Chief Lawrence Weathers
file - PIU2021F-017

**Lexington Police Department
Formal Complaint
Form 111**

File #: PIU2021F-017

Member(s) Involved Holbrook, Brandon		Employee No. 55452	D.O.B.	D.O.E 3/6/2017	Present Assignment BOP, Central, Third Shift
Complainant Cummins, George Sr.		Address-Apt. No. - Zip Code			Telephone No.
Employed By		Business Address - Zip Code			Telephone No.
Date of Incident 7/30/2021	Time of Incident 23:00	Location of Incident Main / Limestone	Date and Time Reported 8/2/2021	How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Person <input type="checkbox"/> Email	

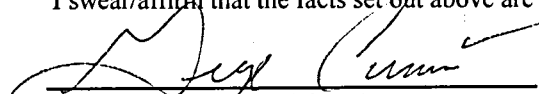
Brief Description of Allegations:

On July 30th, 2021 at approximately 23:00, Officer Holbrook conducted a traffic stop on a vehicle being driven by Mr. George Cummins Sr. Officer Holbrook stopped the vehicle on Main Street at Limestone. The vehicle had an expired registration plate. Officer Holbrook issued a warning notice to Mr. Cummins Sr. for the expired registration plate. Officer Anderson arrived on the traffic stop and stayed with Mr. Cummins while Officer Holbrook was completing the paperwork.

Mr. Cummins believes that Officer Holbrook and Officer Anderson conducted the stop due solely to racial profiling. Cummins' race. According to Mr. Cummins, Officer Holbrook improperly used his flashlight to illuminate the interior of Mr. Cummins' vehicle for the purposes of attempting to locate narcotics.

If the above allegation is true, Officer Holbrook has violated **General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35, Violating Any Rules of the Department: G. O. 2000-02D Unbiased Policing**, which states: *Biased policing is prohibited both in enforcement of the law and the delivery of police services.*

I swear/affirm that the facts set out above are true to the best of my knowledge and belief.



 (Complainant)

Date: 8-9-21

Subscribed and sworn before me this date: 8.9.21 Melanie R. Votaw-KY NP 2019
 (Date) (Notary)

My Commission Expires: 2-3-2025

Witnesses:
 Name _____ Address _____ Phone Number _____

Chief of Police (or "Designee"):

Policy Violation	Finding
Go. 1973-P 21C CR. 135a.G.O. 2000-2D	<input type="checkbox"/> Proper Conduct
	<input type="checkbox"/> Improper Conduct
	<input type="checkbox"/> Insufficient Evidence
	<input type="checkbox"/> Policy Failure
	<input checked="" type="checkbox"/> Unfounded

Chief of Police Recommendation

Recommend Case Be Closed Corrective Training Recommended Below Disciplinary Action Recommended

Comments:

ITEMS REVIEWED: PIU SYNOPSIS, OFC. HOLBROOK BWC

Signature:  Date: 09/09/2021

Disciplinary Review Board

Policy Violation	Finding
	<input type="checkbox"/> Proper Conduct
	<input type="checkbox"/> Improper Conduct
	<input type="checkbox"/> Insufficient Evidence
	<input type="checkbox"/> Policy Failure
	<input type="checkbox"/> Unfounded

Disciplinary Review Board Recommendation

Recommend Case Be Closed Corrective Training Recommended Below Disciplinary Action Recommended

Comments:

Signature: _____ Date: _____

Chief of Police 2nd Recommendation

Recommend Case Be Closed Corrective Training Recommended Below Disciplinary Action Recommended

Comments:

Signature: _____ Date: _____

Proper Conduct: Allegation is true; the action of the agency or the officer was consistent with agency policy.
Improper Conduct: The allegation is true; the action of the agency or the officer was inconsistent with agency policy.
Insufficient Evidence: There is insufficient proof to confirm or to refute the allegation.
Policy Failure: The action of the agency or the officer was consistent with agency policy, but the policy did not take into account the circumstances present in this instance.
Unfounded Complaint: Either the allegation is demonstrably false or there is no credible evidence to support it.